



## **SEPTEMBER 25 - 29, 2006 ST. LOUIS, MISSOURI**

**James B. Loken, Chief Judge - Minneapolis, Minnesota**

### **Circuit Judges in Active Service**

**Roger L. Wollman - Sioux Falls, SD  
Morris S. Arnold - Little Rock, AR  
Diana E. Murphy - Minneapolis, MN  
Kermit E. Bye - Fargo, ND  
William Jay Riley - Omaha, NE  
Michael J. Melloy - Cedar Rapids, IA  
Lavenski R. Smith - Little Rock, AR  
Steven M. Colloton - Des Moines, IA  
Raymond W. Gruender - St. Louis, MO  
Duane Benton - Kansas City, MO**

### **Circuit Judges Who Have Taken Senior Status**

**Donald P. Lay - St. Paul, MN  
Myron H. Bright - Fargo, ND  
John R. Gibson - Kansas City, MO  
Pasco M. Bowman - Kansas City, MO  
Frank J. Magill - Fargo, ND  
C. Arlen Beam - Lincoln, NE  
David R. Hansen - Cedar Rapids, IA**

## NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

*Court will be held in the Thomas F. Eagleton Courthouse at 111 S. 10<sup>th</sup> Street, St. Louis, Missouri. Division I will be held in the En Banc Courtroom on Floor 28, and Division II will be held in the Southeast Courtroom on Floor 27. Division III will be held in the Northeast Courtroom on Floor 27, and Division IV will be held in the Southwest Courtroom on Floor 27. Counsel presenting oral argument should report to the clerk's office, Room 24.329, 30 minutes before Court convenes.*

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. *Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.*

Michael E. Gans  
Clerk of Court

**The following visiting judge is sitting with the Court in September:**

\*The Honorable Richard H. Kyle  
U.S. District Judge  
St. Paul, Minnesota

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**Revised: 9/22/06**

**DIVISION I**  
**28<sup>th</sup> Floor**  
**En Banc Courtroom**

**MONDAY, SEPTEMBER 25, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES LOKEN, BEAM, GRUENDER**

			<b>DMS</b>
1.	05-3729WM	Dennis Skillicorn v. Al Luebbers	30
2.	06-1118MN	Minnesota Towers, Inc., etc., et al. v. City of Duluth	15
3.	06-1466SI	United States v. David Richard Pinnow	10
	06-1261SI	United States v. Laverne William Bieghler	<b>NO ARG</b>

**BEFORE JUDGES LOKEN, SMITH, GRUENDER**

06-1353NI	LaSalle Bank, N.A., et al. v. Francis P. Takes, et al.	<b>DISMISSED</b>
06-1373NI	LaSalle Bank, N.A., et al. v. Francis P. Takes, et al.	<b>NO ARG</b>

**2:00 P.M. BEFORE JUDGES MELLOY, BRIGHT, HANSEN**

05-4234WM	American Home Assurance Company v. Kelly Pope, et al.	
05-4238WM	American Home Assurance Company v. C. Robert Buckley, etc.	
06-1750WM	American Home Assurance Company v. Kelly Pope, et al.	20

**DIVISION I**  
**28<sup>th</sup> Floor**  
**En Banc Courtroom**

**TUESDAY, SEPTEMBER 26, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES LOKEN, BEAM, GRUENDER**

			<b>MER/BDG-O</b>
1.	06-1018WM	United States v. Michael Shawn McCourt	15
2.	05-4426WM	United States v. Thomas N. Johnson	
	05-4444WM	United States v. Lamell T. Jones, etc.	15
3.	06-1242NE	United States v. Peter Charles Urqhart	10
4.	05-3788MN	United States v. Kelley Joseph LeGrand, etc.	15
	06-1315NE	United States v. Robert K. Brown	<b>NO ARG</b>
	06-1840WM	United States v. Antwaen D. Reliford	<b>NO ARG</b>

**2:15 P.M. BEFORE JUDGES WOLLMAN, BRIGHT, MELLOY**

06-2851	Eugenio Sharipoff v. Alberto Gonzales, etc., et al.	<b>REMOVED</b>
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**3:00 P.M. BEFORE JUDGES WOLLMAN, BRIGHT, MELLOY**

06-8014WM	David Saab, etc. v. Home Depot U.S.A., Inc., etc.	15
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**DIVISION I**  
**28<sup>th</sup> Floor**  
**En Banc Courtroom**

**WEDNESDAY, SEPTEMBER 27, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES LOKEN, SMITH, GRUENDER**

**BWB**

06-1207MN      Nebraska Beef, Limited v. Wells Fargo  
Business Credit, Inc., etc.

**NO ARG**

**\*\* EN BANC SESSION \*\***

**WEDNESDAY, SEPTEMBER 27, 2006, BEGINNING AT 11:00 A.M.**  
**BEFORE JUDGES LOKEN, BRIGHT, WOLLMAN, ARNOLD, MURPHY,**  
**BYE, RILEY, MELLOY, SMITH, COLLOTON, GRUENDER, BENTON**

**DMH**

- |    |           |                                   |    |
|----|-----------|-----------------------------------|----|
| 1. | 04-2901NI | United States v. Travis Ray Burns |    |
|    | 04-2933NI | United States v. Travis Ray Burns | 20 |
|    |           |                                   |    |
| 2. | 04-2073WM | United States v. Jamal T. Norris  | 20 |

**THURSDAY, SEPTEMBER 28, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES LOKEN, SMITH, GRUENDER**

**TAB**

- |    |           |  |    |
|----|-----------|--|----|
| 1. | 05-3688ND | United States v. Susan Bala                                  |    |
|    | 05-3690ND | United States v. Racing Services                             |    |
|    | 05-3691ND | United States v. Susan Bala, et al.                          | 20 |
|    |           |  |    |
| 2. | 06-1414SI | Robert Wayne Chalfant v. Titan<br>Distribution, Inc., et al. | 20 |
|    |           |  |    |
| 3. | 05-4301NI | United States v. Tyrone Judon, etc.                          |    |
|    | 05-4302NI | United States v. Gladger Ross, Jr., etc.                     |    |
|    | 06-1049NI | United States v. Tyrone Judon, etc.                          |    |
|    | 06-1050NI | United States v. Gladger Ross, Jr., etc.                     | 15 |
|    |           |  |    |
| 4. | 05-4146NI | United States v. James Eric Moore                            |    |
|    | 05-4156NI | United States v. James Eric Moore                            | 15 |
|    |           |  |    |
| 5. | 06-1384NI | United States v. Jennifer Urben-Potratz                      | 10 |

**2:00 P.M. BEFORE JUDGES RILEY, SMITH, BENTON**

**PAW**

06-2658NI	Goss International Corporation, etc. v. Tokyo Kikai Seisakusho, Ltd., etc., et al.	20
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**DIVISION I**  
**28<sup>th</sup> Floor**  
**En Banc Courtroom**

**FRIDAY, SEPTEMBER 29, 2006, BEGINNING AT 8:30 A.M.**  
**BEFORE JUDGES LOKEN, SMITH, GRUENDER**

**KAS**

- |    |           |  |    |
|----|-----------|--|----|
| 1. | 06-1674WM | Ann Robinette, et al. v. William Jones,<br>et al.  | 15 |
| 2. | 05-4055EA | Brenda Arnold v. Nursing and<br>Rehabilitation Center at Good<br>Shepherd, LLC             |    |
|    | 05-4270EA | Brenda Arnold v. Nursing and<br>Rehabilitation Center at Good<br>Shepherd, LLC             | 15 |
| 3. | 06-1368EM | Mark McGee v. Public Water Supply,<br>District #2 of Jefferson County,<br>Missouri, et al. | 15 |
| 4. | 05-4131   | Hui Zhuang v. Alberto Gonzales, etc.   | 15 |

**DIVISION II**  
**27<sup>th</sup> Floor**  
**Southeast Courtroom**

**MONDAY, SEPTEMBER 25, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES WOLLMAN, BRIGHT, BOWMAN**

			<b>JMH</b>
1.	06-1055SI	United States v. Kevin Lee Davis	
	06-1227SI	United States v. Kevin Lee Davis	15
2.	06-1020WM	United States v. Wesley J. Durham	
	06-1021WM	United States v. Erica J. Duncan	20
	05-4289SI	United States v. Matias Leanos-Marquez	<b>NO ARG</b>
3.	05-2932EA	First Union National Bank, etc. v. Pictet Overseas Trust Corp., Ltd., etc.	20
		In re: Monosodium Glutamate Antitrust Litigation	
	05-4303MN	Inquivosa Sa, et al. v. Ajinomoto Company, Inc., et al.	
		In re: Monosodium Glutamate Antitrust Litigation	
	05-4307MN	Inquivosa Sa, et al. v. Ajinomoto Company, Inc., et al.	<b>REMOVED</b>

**TUESDAY, SEPTEMBER 26, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES WOLLMAN, BRIGHT, BOWMAN**

			<b>BWB</b>
1.	06-1053SI	United States v. Terry Allen Garnette	10
	06-1240NE	United States v. Jerome Bass, etc.	<b>REMOVED</b>
2.	05-4322MN	United States v. Robert Lee Bailey	15
3.	06-1502SI	Christine C. Conklin v. Jo Anne B. Barnhart, etc.	15
4.	06-1631EM	United States v. Don Juan Maxwell	10
	06-1586SI	United States v. Arnulfo Panochero-Cresencio	<b>NO ARG</b>

**DIVISION II**  
**27<sup>th</sup> Floor**  
**Southeast Courtroom**

**\*\* AFTERNOON SESSION \*\***

**TUESDAY, SEPTEMBER 26, 2006, BEGINNING AT 2:00 P.M.**  
**BEFORE JUDGES BYE, BEAM, SMITH**

**BWB**

06-2335MN	In re: Canadian Pacific Railway Company	20
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**WEDNESDAY, SEPTEMBER 27, 2006, BEGINNING AT 9:30 A.M.**  
**BEFORE JUDGES WOLLMAN, MURPHY, COLLOTON**

**DMH**

05-2011EA	Sharon Lee, etc. v. Pine Bluff School District, et al.	15
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**THURSDAY, SEPTEMBER 28, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES WOLLMAN, BOWMAN, BENTON**

**DGH/PJS-O**

1.	05-3974MN	Bradley J. Hillstrom, M.D. v. John R. Kenefick, et al.	
	05-3975MN	John R. Kenefick, et al. v. GE Group Life Assurance Company, etc.	20
2.	05-3149NE	United States v. Rodney Harrison	15
3.	05-4489WM	United States Equal Employment Opportunity Commission, et al. v. City of Independence, Missouri	
	05-4490WM	Richard Hopkins v. City of Independence, Missouri	20
4.	06-1326EM	BJC Health System, et al. v. Columbia Casualty Company, etc.	15
5.	06-1517MN	Daniel Johnson v. Bert Bell/Pete Rozelle NFL Player Retirement Plan	15



**DIVISION II**  
**27<sup>th</sup> Floor**  
**Southeast Courtroom**

**FRIDAY, SEPTEMBER 29, 2006, BEGINNING AT 8:30 A.M.**  
**BEFORE JUDGES WOLLMAN, BOWMAN, BENTON**

			<b>SRD</b>
1.	05-1493	Ardian Celaj, et al. v. Alberto Gonzales, etc.	15
2.	05-3357	Abdi Gelle Mohamed v. Alberto Gonzales, etc.	15
	05-4140WM 06-1099WM	Eric Clemmons v. Estate of George Brooks Eric Clemmons v. William Armontrout, Warden, et al.	<b>REMOVED</b>
	05-4439EA	Katherine Tweedle v. State Farm Fire & Casualty Company	<b>NO ARG</b>
	05-4092NI	United States v. Tammy Peters	<b>NO ARG</b>

**DIVISION III**  
**27<sup>th</sup> Floor**  
**Northeast Courtroom**

**MONDAY, SEPTEMBER 25, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES ARNOLD, BYE, MELLOY**

			<b>LLB</b>	
1.	05-4005WM	Earl Ringo v. Donald Roper		30
2.	05-4378ND	Barry Caesar Garcia v. Leann K. Bertsch, etc.		15
	05-4196MN	United States v. Dean Wade Guenther	<b>REMOVED</b>	
	05-4261MN	Innovative Medical Systems, Inc., etc., et al. v. Augustine Medical, etc., et al.	<b>NO ARG</b>	
	05-1467MN	Thomas Wayne Evenstad v. Terry L. Carlson	<b>NO ARG</b>	

**TUESDAY, SEPTEMBER 26, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES ARNOLD, BYE, MELLOY**

			<b>LMT</b>	
	05-4201EM	United States v. Leo Muhammad, etc.		
	05-4204EM	United States v. Germaine Davis, etc.		
	05-4205EM	United States v. Anthony Francis		
	05-4252EM	United States v. Robert Francis, etc.	<b>NO ARG</b>	
1.	05-4227MN	United States v. Gustavo Ramirez-Sanchez		
	05-4228MN	United States v. Magdaleno Urzua		
	06-1371MN	United States v. Cecilio Gomez Ramirez		15
2.	05-4222EM	United States v. Donrico Humphrey		10
	06-1040MN	United States v. Steven Harold Pieper, Jr.		
	06-1042MN	United States v. Steven Harold Pieper, Jr.	<b>NO ARG</b>	
	06-1285WA	United States v. Todd Manuel Griffin	<b>NO ARG</b>	
3.	05-4414SD	United States v. William T. Carter		10

**DIVISION III**  
**27<sup>th</sup> Floor**  
**Northeast Courtroom**

**THERE WILL BE NO ARGUMENTS ON WEDNESDAY IN DIVISION III.**

**THURSDAY, SEPTEMBER 28, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES ARNOLD, BYE, MELLOY**

**PAW/MDS-O**

- |    |           |   |               |
|----|-----------|---|---------------|
| 1. | 06-1308NE | Jim Jones, et al. v. John Gale, etc.,<br>et al.                   | 30            |
| 2. | 06-1647WM | Henry Hickerson v. Pride Mobility<br>Products Corporation, et al. | 15            |
| 3. | 06-1129MN | Richard Lewis v. St. Cloud State<br>University                    | 15            |
| 4. | 06-1652ND | United States v. Francis K. Zacher, etc.                          | 15            |
|    | 06-1435MN | David F. Freeman v. Ace Telephone<br>Association, etc.            | <b>NO ARG</b> |

**DIVISION III**  
**27<sup>th</sup> Floor**  
**Northeast Courtroom**

**FRIDAY, SEPTEMBER 29, 2006, BEGINNING AT 8:30 A.M.**  
**BEFORE JUDGES ARNOLD, BYE, MELLOY**

**JPP**

- |    |           |  |               |
|----|-----------|--|---------------|
| 1. | 05-3078   | Boutros Chafic Habchy v. Alberto Gonzales, etc., et al.                              | 15            |
| 2. | 06-1201   | Estate of Edna Korby, Deceased, et al. v. Commissioner of Internal Revenue           |               |
|    | 06-1203   | Estate of Austin Korby, Deceased, et al. v. Commissioner of Internal Revenue         | 15            |
|    | 06-1072SI | Bradley Schulz v. Rental Services Corporation  | <b>NO ARG</b> |
| 3. | 05-3859WM | Emergency Medical Services, Inc., et al. v. St. Paul Mercury Insurance Company, etc. |               |
|    | 05-3935WM | Emergency Medical Services, Inc., et al. v. St. Paul Mercury Insurance Company, etc. | 15            |
|    | 06-1158SI | Laverne I. Johnson, et al. v. Lend Lease Real Estate Investment                      | <b>NO ARG</b> |

**DIVISION IV**  
**27<sup>th</sup> Floor**  
**Southwest Courtroom**

**MONDAY, SEPTEMBER 25, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES MURPHY, HANSEN, RILEY**

			<b>CMD</b>
1.	05-4183SI	Equal Employment Opportunity Commission v. Dial Corporation	
	05-4311SI	Equal Employment Opportunity Commission v. Dial Corporation	20
	06-1394MN	Triple Five of Minnesota, Inc., etc. v. Simon MOA Management Company, Inc., et al.	<b>REMOVED</b>
	05-4377WM	Voicestream PCS II Corporation, etc., et al. v. BPS Telephone Company, et al.	<b>DISMISSED</b>
	06-1999EA	United States v. Patient Transfer Service, Inc.	<b>NO ARG</b>

**TUESDAY, SEPTEMBER 26, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES MURPHY, HANSEN, RILEY**

			<b>BNS</b>
1.	06-2504WA	Grand River Enterprises Six Nations, Ltd., et al. v. Mike Beebe, etc.	20
2.	05-3391MN	United States v. LaQuan Dwayne Carter, etc.	
	06-1365MN	United States v. Michael Greenlaw, etc.	15
3.	05-3633NI	United States v. Russell James Hodge, etc.	
	05-3844NI	United States v. Russell James Hodge, etc.	15
	06-1080MN	United States v. Rodolfo Lopez-Zepeda	<b>NO ARG</b>
4.	06-1364NI	United States v. Bradley Gregg	15
5.	06-1103EM	United States v. Ruth Kane	10
	06-1478EA	William Eugene Langley v. Larry Norris, etc.	<b>NO ARG</b>

**DIVISION IV**  
**27<sup>th</sup> Floor**  
**Southwest Courtroom**

**THERE WILL BE NO ARGUMENTS ON WEDNESDAY IN DIVISION IV.**

**THURSDAY, SEPTEMBER 28, 2006, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES RILEY, COLLOTON, \*KYLE**

			<b>ABC</b>	
1.	05-4081NI	United States v. Pedro Arellano-Garcia		15
2.	06-1067EM	Peggy J. Deal v. Consumer Programs, Incorporated		
	06-1068EM	Peggy J. Deal v. Consumer Programs, Incorporated		20
3.	06-1616NI	United States v. Shaun Joseph Ruff		15
4.	06-1467WM	Noel K. Blevens v. George W. Holcomb, III		20
	05-4370NI	United States v. Michael Washington	<b>NO ARG</b>	

**DIVISION IV**  
**27<sup>th</sup> Floor**  
**Southwest Courtroom**

**FRIDAY, SEPTEMBER 29, 2006, BEGINNING AT 8:30 A.M.**  
**BEFORE JUDGES RILEY, COLLOTON, \*KYLE**

**LAD**

- |    |           |   |    |
|----|-----------|---|----|
| 1. | 05-1101EM | Chaganti & Associates, P.C. v. Thomas Nowotny, et al. |    |
|    | 05-2065EM | In re: Chaganti & Associates, P.C.                    |    |
|    | 05-2075EM | Chaganti & Associates, P.C. v. Thomas Nowotny, et al. | 15 |
| 2. | 06-1687WM | Robert L. Myer v. Americo Life, Inc.                  | 10 |
| 3. | 05-4181WA | Jake Pittari v. American Eagle Airlines, Inc.         |    |
|    | 06-2287WA | Jake Pittari v. American Eagle Airlines, Inc.         | 15 |
| 4. | 06-1500EA | Doug Feeney, et al. v. AT&E, Inc., etc., et al.       | 10 |
| 5. | 05-4438WA | Castural Thompson v. Wal-Mart Stores, Inc.            | 10 |